

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

08-CR-6274L

v.

JOEL IRIZARRY,

Defendant.

Defendant Joel Irizarry (“Irizarry”) has filed a motion, *pro se*, pursuant to 28 U.S.C. § 2255 to correct his sentence. That motion is denied in all respects.


Defendant pleaded guilty pursuant to a plea agreement (Dkt. #15) on December 22, 2008. The plea agreement was submitted to the Court pursuant to FED. R. CRIM. P. 11(c)(1)(C) with an agreed upon aggregate sentence of 72 months. The parties agreed to that sentence in the plea agreement.

When the case came on for sentencing on February 24, 2009, the Court accepted the plea agreement and sentenced the defendant principally to an aggregate term of 72 months. That sentence was properly reflected in the Judgment entered on February 25, 2009 (Dkt. #22). Therefore, there is no basis whatsoever for defendant’s present application. He received the precise sentence that he bargained for in the plea agreement.

CONCLUSION

The motion of defendant Joel Irizarry (Dkt. #30) for correction of his sentence, pursuant to 28 U.S.C. § 2255 is in all respects denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
February 16, 2010.